

Decisions in which the works council has participated shall be implemented by the agency unless agreed otherwise in individual cases, however, the works council may not interfere with the agency's operations by unilateral actions.

- From the wording in the paragraph above ("shall be implemented") emanates the agency chief's duty of execution unless there is agreement that the duty of execution is transferred to the works council in an individual case.
- The duty of execution applies to all actions in which the works council has participated. This emanates from the agency chief's authority to give directions which is limited by works council's right of cooperation and codetermination only inasmuch as the agency chief is bound to adhere to the decisions in which the works council participated.
- Paragraph 1 encompasses all decisions that were jointly decided by the agency and the council (e.g., Shop agreements), in which the council has participated under the codetermination/cooperation procedure, or have been recommended by the council with formal participation (e.g., General proposals under section 68 or proposals covered by section 81 – industrial safety -).
- The agency must also implement decisions that result from the works council's "right to take the initiative" (section 70), from a decision of conciliatory committee or from agreements reached intermediate level works councils and heads of higher level authorities.
- The council has no right to exercise an influence on the execution of an action that has been decided by the conciliatory committee. The right to exercise an influence under the terms of the law ends with the decision of the conciliatory committee or the highest service authority.
- Works councils are entitled to unilaterally implement those decisions that are within their scope of responsibility (e.g., Conduct of personnel assemblies (section 49), appointment of election committees (section 20), publication of their decisions on the bulletin board, etc.).
- Responsibility for implementation of an action always rests with agency chief even if there is agreement that the council implements the action (e.g., Preparation of festivities, outings, integration of persons needing protection (section 68), management of social facilities, etc.,)
- The conclusion of an agreement to the effect that a measure will be implemented by the works council is not an administrative duty ("Laufendes Geschaef"). Therefore, such decisions must be made by majority vote of the entire board of the council.
- The agency chief's authority to give directions is particularly emphasized by the prohibition for the works council to interfere with the agency's operations contained in paragraph 2. From that, it follows that the works council, for example:
 - ✚ **may not** act on their own initiative and revoke or change directives issued by the agency chief,
 - ✚ **may not** remove the agency chief's announcements from the bulletin board,
 - ✚ **may not** authorize releases from duty or take other arbitrary actions.
- Works councils may not interfere with the operations even if they are of the opinion that the agency chief violates an agreement or law. In such situations they may demand that the criticized measures be revoked, or submit a complaint to the next higher authority ("Dienstaufsichtbeschwerde").

- Depending on the circumstances in the individual case, a violation of the prohibition to take unilateral actions may justify:
- the right of the agency chief to initiate action for exclusion of a works council member or dissolution of the entire council (when all members have violated against the prohibition (Sec. 28),
- the instant dismissal of an works council member in his/her capacity as an employee (Section 626, German Civil Code),
- a claim for damages against one or more members of the works council (Section 823, 826, German Civil Code).
- These punitive actions are not in contradiction to the works councils' participation rights. They are intended to avert unauthorized acts.